



MINUTES OF A REGULAR MEETING OF THE PLANNING COMMISSION MAY 2, 2007

Chair John Bauer called the meeting to order at 7:30 p.m. Present at the meeting were Vice-Chair Lenny Levy, Commissioners Matthew Hopkins, and Danny Winborne, Alternate Commissioner Geri Lanier, City Attorney Cathy Borten, Planning and Code Administration Director Greg Ossont, Planning Director Lauren Pruss, Community Planning Director Trudy Schwarz, Planners Jacqueline Marsh and Caroline Seiden, and Recording Secretary Myriam Gonzalez. Chair Bauer noted Alternate Commissioner Lanier would participate this evening, since not all Commissioners were present. Absent: Commissioner Lloyd Kaufman.

I. APPROVAL OF MINUTES

April 18, 2007, Planning Commission Meeting

Vice-Chair Levy moved, seconded by Commissioner Hopkins, to APPROVE the Minutes of the April 18, 2007, Planning Commission Meeting, as submitted this evening.

Vote: 3-0-2 (Abstained: Winborne and Lanier)

II. RECORD PLATS

R-1195 to R-1203 -- Watkins Mill Town Center – Plats 9-17
R-1210 -- Hidden Creek – Plat 24 (Resubdivision)
R-1214 to R-1216 -- Watkins Mill town Center – Plats 18-20

Vice-Chair Levy moved, seconded by Commissioner Hopkins, to APPROVE the Record Plat Agenda.

Vote: 5-0

III. RECOMMENDATIONS TO BOARD OF APPEALS

A-531 -- Application for a special exception for a 19,200-square foot private educational institution for The Foundation School, located on Lot N41, at 220 Girard Street, Suite 300, in the CBD (Central Business District) Zone, in Gaithersburg, Maryland. The special exception is allowed by Zoning Ordinance (Chapter 24 of the City Code) § 24-160F.2(b).

Planner Seiden located the site on an aerial photograph and introduced the applicant.

Chief Operations Officer Andrea Adler, The Foundation School, presented the plan and discussed the site/building access, as well as the interior traffic circulation. She indicated the school is nonprofit for children with emotional problems and discussed the hours of operations and size of the student body and staff.

Director Dr. Sheila Cahill, The Foundation School of Montgomery County, in response to Commissioner Winborne, discussed the emergency procedures of the school. In response to Vice-Chair Levy, she discussed the reasons for relocating from Bethesda.

There was no testimony from the public.

Ms. Seiden noted the Commission received a draft resolution of approval with the information packet, as the application complies with Zoning Ordinance §§ 24-160F.2(b)(5) and 24-189(b), subject to compliance with conditions that she listed. She answered questions of Chair Bauer regarding safety measures for the proposed basketball hoop area, bus access, and restriping and designation of parking. Regarding the latter, she noted there would be no designated parking specifically for the school as there is sufficient parking on the site.

Commissioner Hopkins commented on a dead-end created by the basketball hoop area in the parking lot, adding that the Department of Public Works, Park Maintenance and Engineering should review that area as part of the restriping plan. Chair Bauer recommended marking a walkway from the bus drop-off area to the building entrance. Chair Bauer spoke favorably on this project coming to the City.

Vice-Chair Levy moved, seconded by Commissioner Winborne, to recommend to the Board of Appeals, APPROVAL of Special Exception A-531, with the following conditions:

1. This special exception is granted for the Foundation School only and shall terminate at the time of the expiration of their lease and/or any subsequent lease renewals.
2. Applicant shall submit a restriping plan for the parking lot to include a pathway from the bus loading area to the building prior to the issuance of any building permits;
3. Applicant is to complete parking lot restriping prior to the issuance of a final use and occupancy permit; and
4. Applicant is to submit an executed lease prior to issuance of a use and occupancy permit.

Vote: 5-0

A-477(A) - Application for a special exception to permit a telecommunications facility, including four panel antennas and associated equipment, on the rooftop of 415 Russell Avenue, Asbury, Gaithersburg, Maryland. The property, owned by Asbury Methodist Village, Inc., is located in the R-90 (Medium Density Residential) Zone. The special exception is allowed by § 24-29(5) in compliance with §§ 24-167A(D)1. and 2. of the City of Gaithersburg Zoning Ordinance (Chapter 24 of the City Code)

Planner Seiden located this property, noting this petition is an amendment to a special exception granted in 1998 for a different carrier.

Adam Knubel, Network Building & Consulting, LLC, representing the applicant, Clearwire US, LLC, identified the applicant as a new data provider company and introduced this application for four panel antennas flush-mounted on the rooftop of one of the buildings at Asbury Methodist Village. He indicated the associated equipment would be in the existing penthouse atop the building with no electrical upgrades needed.

There was no public testimony.

Planner Seiden indicated the application complies with Zoning Ordinance §§ 24-29(5), 24-167(D)(2) and 24-189(b), subject to conditions that she listed, as included in a draft resolution of approval the Commission received as part of the informational packet.

Chair Bauer commented favorably on the low impact of this use and the Commission moved as follows:

Vice-Chair Levy moved, seconded by Commissioner Winborne, to recommend to the Board of Appeals APPROVAL of Special Exception A-477(A), with the following conditions:

1. At such time as Clearwire US, LLC, ceases to use this facility, the antennas, cabinets and associated equipment shall be removed by the applicant at the applicant's expense;
2. Installation of antennas and associated equipment must be completed by May 10, 2008;
3. If the application is not complete by May 10, 2008, the petitioner must request a time extension, in writing, prior to May 10, 2008, and each subsequent year thereafter until such time as the installation is complete; and
4. Applicant is to submit an actual coverage threshold map to the Board of Appeals sixty (60) days after the equipment becomes operational. The map will be the same type as provided in A-477(A) Exhibits #8 and #9.

Vote: 5-0

A-509(A) - Application for a special exception to permit a telecommunications facility, to include four panel antennas and four dish antennas on an existing Pepco transmission tower, (84N), and associated ground equipment at the Pepco transmission line off Professional Drive, Gaithersburg, Maryland. The property is located in the R-A (Low Density Residential) Zone. The special exception is allowed by § 24-25(11) in compliance with §§ 24-167A(D)1. and 2. of the City of Gaithersburg Zoning Ordinance (Chapter 24 of the City Code).

Planner Seiden located the site on an aerial photograph and indicated there are existing antennas on the property. She noted that additional exhibits were furnished to the Commission earlier this evening consisting of electronic messages from landowners in the vicinity with concerns over the microwave antennas that are part of this project. She reported that the applicant had responded and addressed the concern, although the microwave antennas are allowed by right and are not subject to Board of Appeals review.

Adam Knubel, Network Building & Consulting, LLC, representing the applicant, Clearwire US, LLC, noted this site was selected because the infrastructure is already in place. He indicated the proposed four panel and four dish antennas would be mounted on a Fort Worth tower, which would be bolted to the existing transmission tower. He added that the associated equipment cabinet would be within a fenced area on the ground.

Alfred Blumberg identified himself as a Germantown, Maryland, land planner representing the Humane Society of the United States, which owns property in proximity to the subject site. He noted that there was concern that future development on the Humane Society and Casey East

properties could affect the line of sight of the proposed microwave antennas. He stated he was pleased with the applicant's response, which had been furnished to the Commission earlier this evening.

Ms. Seiden stated this petition complies with Zoning Ordinance §§ 24-25(11), 24-167(D)(2), and 24-189(b), subject to conditions that she listed, noting they are included in a draft approval resolution. For clarification purposes, Ms. Seiden answered questions of Chair Bauer and Commissioner Winborne regarding the recommended conditions. Vice-Chair Levy commented favorably of this petition, noting its minimal impact to the community.

Vice-Chair Levy moved, seconded by Commissioner Winborne, to recommend to the Board of Appeals APPROVAL of Special Exception A-509(A), with the following conditions:

1. Prior to the issuance of a building or site work permit, petitioners are to provide an executed lease from the property owner that requires at such time as Clearwire US, LLC ceases to operate, that the antennas, cabinets and associated equipment must be removed;
2. At such time as Clearwire US, LLC ceases to operate, its antennas, cabinets and associated equipment shall be removed;
3. Clearwire US, LLC is to submit an actual coverage threshold map to the Board of Appeals sixty (60) days after the equipment becomes operational. The map will be the same type as provided in Exhibits #10 and #11;
4. Installation of antennas and associated equipment must be completed by May 10, 2008;
5. If the installation is not complete by May 10, 2008, the petitioner must request a time extension, in writing, prior to May 10, 2008 and each subsequent year thereafter until such time as the installation is complete; and
6. Prior to submittal of building permit applications, applicant is to submit amended tower elevations to reflect the height of the proposed Clearwire antennas RAD center as 134 feet.

Vote: 5-0

IV. CONSENT

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| AFP-07-015 -- 2 Norwich Court
(Evans Residence)
Two-Story Rear Addition
AMENDMENT TO FINAL PLAN REVIEW | RP-T Zone |
| AFP-07-013 -- 656 Bright Meadow Mews in Lakelands
(Lee Residence)
270-Sq.Ft. Sunroom Addition
AMENDMENT TO FINAL PLAN REVIEW | MXD Zone |

AFP-05-013 -- Kentlands Recreation Center
485 Tschiffely Square Road
Second-Story Addition and Porch Enclosure
EXTENSION OF APPROVAL

SP-05-0013 -- Watkins Mill Town Center – Part 1
Metropolitan Grove Road
436 Mixed Residential Units and Urban Core Streets Only
EXTENSION OF APPROVAL

Vice-Chair Levy moved, seconded by Commissioner Winborne, to APPROVE the Consent Agenda.

Vote: 5-0

V. SITE PLANS

AFP-07-011 -- Gaithersburg Mazda
625 North Frederick Avenue
Sign Package
AMENDMENT TO FINAL PLAN REVIEW

Planner Marsh located the property on an aerial photograph and introduced the applicant.

Guy Brami, Gelberg Signs, presented the plan and proposed sign elevations, noting this application seeks approval for changing the existing Mazda face with their new signage which includes new logo consisting of the Mazda emblem and new color of letters. He noted that only the letters are internally illuminated. He presented photographs of the elevations.

There was no public testimony.

Planner Marsh voiced staff's recommendation for approval, noting the plan meets the approval criteria of the Zoning Ordinance, with a condition that she listed.

Chair Bauer noted a revision to staff's suggested condition was needed to reflect Mr. Brami's testimony that the logo emblem would be opaque. Staff agreed.

Vice-Chair Levy moved, seconded by Commissioner Winborne, to grant AFP-07-011 - Gaithersburg Mazda, AMENDMENT TO FINAL PLAN APPROVAL, finding it in compliance with Zoning Ordinance §§ 24-170, 24-172 and 24-212(b)(1), with the following condition:

1. Applicant shall revise sign drawings to indicate only the letters will be lit for the box signs.

Vote: 5-0

AFP-07-014 -- Uncle Bob's Self Storage I-1 Zone
26 West Diamond Avenue
Wall Panel Replacement
AMENDMENT TO FINAL PLAN REVIEW

Community Planning Director Schwarz located the property on an aerial plan and introduced the applicant.

Applicant representative Dan Christy, Forrest Grove Enterprises, Inc., on behalf of Sovran Self Storage, Inc., noted that in order to renovate the building and upgrade to a climate-controlled facility, the applicant is seeking approval for exterior panel modifications. He presented the proposed plan, colored building elevations and sample materials. Mr. Christy discussed façade colors and materials as well as landscaping. Regarding the latter, he noted three existing trees would be replaced to the same caliper, and other plantings near the building and street trees would be added.

There was no public testimony.

Community Planning Director Schwarz voiced staff's recommendation for approval, as the plan meets the approval criteria of the City Code, subject to the applicant's compliance with conditions that she listed. She answered questions of Chair Bauer regarding green space and tree replacement.

Vice-Chair Levy commented favorably on the proposed materials and Chair Bauer voiced his support of the plan as a substantial upgrade.

Vice-Chair Levy moved, seconded by Commissioner Winborne, to grant AFP-07-014 - Uncle Bob's Self Storage, AMENDMENT TO FINAL PLAN APPROVAL, finding it in compliance with Zoning Ordinance §§ 24-170 and 24-172, with the following conditions:

1. Applicant is to work with staff to establish a landscape plan of streets for the one-to-one replacement of three five-inch holly trees to be removed; and
2. Applicant is to modify the building elevations to show the roll up metal doors and noted that they will be painted the color of Burnished Slate.

Vote: 5-0

VI. FROM THE COMMISSION

Commissioner Winborne

Inquired about the status of an approved plan for the addition of a seating area at the Costco site.

VII. FROM STAFF

Community Planning Director Schwarz

Noted the next regular meeting will be on May 16.

VIII. ADJOURNMENT

There being no further business to come before this session, the meeting was duly adjourned at 8:31 p.m.

Respectfully submitted,

M. Gonzalez
Recording Secretary